

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JASON HARPER,

Plaintiff,

vs.

STU SHERMAN, et al.,

Defendants.

1:21-cv-00639-GSA-PC

**ORDER GRANTING REQUEST  
FOR SCREENING ORDER**

**ORDER GRANTING EXTENSION  
OF TIME TO FILE RESPONSE TO  
COMPLAINT**

(ECF No. 1.)

This is a civil action filed by Jason Harper (“Plaintiff”), a state prisoner proceeding *pro se*. This action was initiated by civil complaint filed by Plaintiff in the Sacramento County Superior Court on August 7, 2020 (Case #34-2020-00282948). On April 13, 2021, defendants S. Sherman, W. Elszy, T. Cisneros, J. Collins, T. Brasil, R. Milam, O. Ronquillo, D. Perkins, T. Cooper, F. Florez, M. Davis, D. Martin, B. Maltman, P. Brightwell, and J. Ghilarducci (“Defendants”) removed the case to federal court by filing a Notice of Removal pursuant to 28 U.S.C. §§ 1441(a) and 1446. (ECF No. 1.) In the Notice of Removal, Defendants requested the court to screen Plaintiff’s complaint under 28 U.S.C. § 1915A and grant Defendants an extension of time in which to file a responsive pleading. (*Id.* at 2-3 ¶¶ 7, 8.)

The court is required to screen complaints in civil actions in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). Plaintiff’s complaint alleges that Defendants, employees of the California

1 Department of Corrections and Rehabilitation (CDCR) at the California Substance Abuse  
2 Treatment Facility and State Prison in Corcoran, California, subjected him to cruel and unusual  
3 punishment and violated his rights to due process, freedom of speech, freedom of religion, and  
4 freedom of association under the First, Eighth and Fourteenth Amendments. Because Plaintiff  
5 is a prisoner and Defendants were employees of the CDCR at a state prison when the alleged  
6 events occurred, the court is required to screen the complaint. Therefore, Defendants' request  
7 for the court to screen the complaint shall be granted. In addition, good cause appearing, the  
8 request for extension of time shall also be granted.

9 Based on the foregoing, IT IS HEREBY ORDERED that:

- 10 1. Defendants' request for the court to screen the complaint under 28 U.S.C. §  
11 1915A(a) is GRANTED, and the court shall issue a screening order in due course;  
12 and  
13 2. Defendants are GRANTED an extension of time until thirty days from the date of  
14 service of the court's screening order in which to file a response to the complaint.

15 IT IS SO ORDERED.  
16

17 Dated: April 21, 2021

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE